

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

September 30, 2002

GSBCA 15827-RELO

In the Matter of PATRICIA L. CERONE

Patricia L. Cerone, Layton, UT, Claimant.

LaRee A. Rocco, Department of the Air Force, Hill Air Force Base, UT, appearing
for Department of the Air Force.

PARKER, Board Judge.

Background

In December 2001, Patricia L. Cerone, an employee of the Department of the Air Force, was transferred from Spangdahlem Air Base, Germany, to Hill Air Force Base, Utah. While Ms. Cerone was in temporary quarters in Layton, Utah, the hotel in which she was staying raised the price of a room from \$59 per night to \$159 per night because the Winter Olympics was being held in nearby Salt Lake City. Ms. Cerone then moved to an apartment, at a cost of \$75 per night, for the remainder of her stay in temporary quarters.

Under the "actual expense" method of calculating temporary quarters subsistence expenses (TQSE), Ms. Cerone was eligible to receive a maximum of \$85 per day for the first thirty days she lived in temporary quarters, and \$63.75 per day for the remaining sixty days. Because these amounts did not fully cover Ms. Cerone's expenses for temporary quarters, and because of the unusual event of the Olympics coming to town during her stay, Ms. Cerone requested that the Air Force waive the maximum TQSE reimbursement amount. The Air Force denied the request on the basis that it had no authority to do so. Ms. Cerone has asked us the review that decision.

Discussion

The Air Force was correct in denying Ms. Cerone's claim. Pursuant to the Federal Travel Regulation (FTR), which governs travel and relocation by civilian employees of the Government, including employees of the Department of Defense, an employee who has selected the "actual method" of TQSE reimbursement is reimbursed as follows:

What am I paid under the actual TQSE reimbursement method?

Your agency will pay your actual TQSE incurred, provided the expenses are reasonable and do not exceed the maximum allowable amount. The "maximum allowable amount" is the "maximum daily amount" multiplied by the number of days you actually incur TQSE not to exceed the number of days authorized, taking into account that the rates change after 30 days in temporary quarters. . . .

41 CFR 302-5.100 (2001). At the time Ms. Cerone occupied temporary quarters, the applicable maximum daily amount was \$85 per day for the first thirty days, and \$63.75 per day for any additional days. *Id.* ch. 301, app. A (prescribed maximum per diem rates for continental United States).

Unfortunately for Ms. Cerone, there simply is no authority of which we are aware that would permit the Air Force to pay TQSE in excess of the maximum. Accordingly, her claim was properly denied.

ROBERT W. PARKER
Board Judge